

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDDWIN GUSTAVO GONZALEZ BRAVO, CALIXTO
YANES PADILLA and LUIS YANES, on behalf of
themselves and others similarly situated,

Plaintiffs,

ORDER

13-CV-342 (SJF)(GRB)

-against-

FINEST MAINTENANCE INC., and JODY GUNPEL in
his individual capacity,

Defendants.

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FEUERSTEIN, J.

Before the Court is Magistrate Judge Gary R. Brown's Report and Recommendation, dated June 15, 2015 [Docket Entry No. 47 ("Report")] recommending that defendants' motions to dismiss [Docket Entry Nos. 17 and 18] be denied. No objections to the Report have been filed. For the following reasons, the Court adopts the Report in its entirety.

Any portion of a report and recommendation on a dispositive matter to which a timely objection has been made is reviewed by the district court *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not

proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections to Magistrate Judge Brown's Report have been filed and the time to file objections has passed.¹ Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts the Report in its entirety. For the reasons set forth in the Report, defendants' motions to dismiss are denied.

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge

Dated: August 27, 2015
Central Islip, New York

¹ Objections were originally due on June 29, 2015, fourteen (14) days from the date the Report was electronically filed with the Court and representatives of each party. *See Report*, at 10-11. On June 24, 2015, the Court granted, on consent, defendants' request for a thirty (30) day stay of all applicable deadlines based on defendants' retention on new counsel. *See* 6/24/2015 Electronic Order. While the thirty (30) stay of all applicable deadlines extended the deadline to file objections to July 29, 2015, as of the date of this Order, neither party has filed objections to the Report.